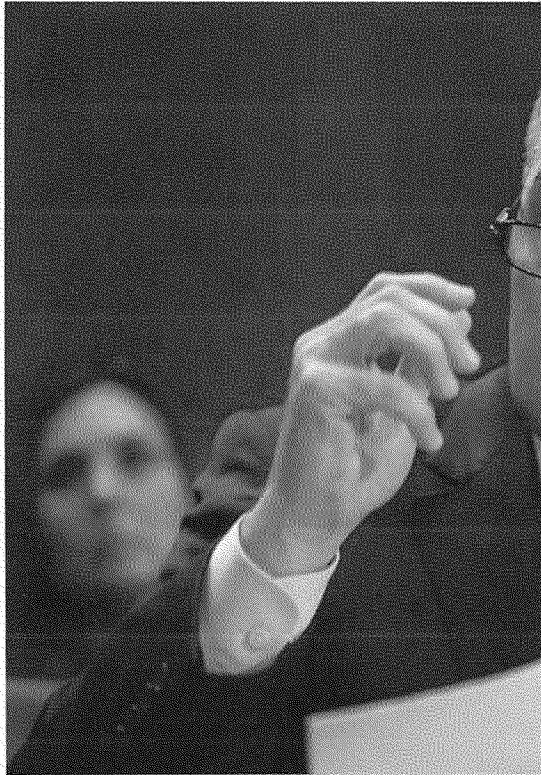


CONGRESS JANUARY 18, 2017 7:04 PM

# Trump's EPA pick won't guarantee California's right to tougher auto emission rules



Environmental Protection Agency Administrator-designate, Oklahoma Attorney General Scott Pruitt, testifies Wednesday, Jan. 18, 2017, before the Senate Environment and Public Works Committee. **J. Scott Applewhite** - AP

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WASHINGTON — During a contentious confirmation hearing on Wednesday, Donald's Trump nominee to head the U.S. Environmental Protection Agency said he'd open up a review of new federal auto emissions

standards and also review waivers granted to California to enact auto standards stronger than those of the federal government.

The remarks by Scott Pruitt, Oklahoma's attorney general, immediately drew rebukes from Democrats on the Senate Environment and Public Works Committee, including California's newly seated senator, Kamala Harris.

"I have real concerns on where he will go on that issue, and others," said Harris in an interview following the first half of the hearing. She said "it could do real harm to California" if Pruitt were to revoke California's longstanding authority to limit auto pollution and greenhouse gases.

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**I HAVE REAL CONCERNS ON WHERE HE WILL GO ON THAT ISSUE, AND OTHERS.**

Sen. Kamala Harris, D-Calif.

Pruitt, who has filed numerous lawsuits against the EPA while taking contributions from industries supporting those lawsuits, has long argued that states should have more authority to manage environmental issues. But when questioned by Harris and other senators about California's waivers, he declined to say if he would uphold them.

"Administrators in past have not granted the waiver and have granted the waiver," Pruitt said in response to questions from Harris.

"That is a review process that will be conducted. . . "

"What is your intention?" Harris shot back, interrupting him.

"I wouldn't know without going through the process and would not want to presume the outcome," Pruitt replied.

California started regulating air pollution in the 1960s, before the federal Clean Air Act was passed and signed into law by President Richard Nixon in 1970. That law allowed the Golden State to obtain waivers to enact its own pollution rules, including tailpipe standards, that are stronger than national thresholds, pending EPA approval.

Historically, the EPA has approved California's waiver requests, except during the administration of George W. Bush, when his EPA administrator, in 2008, rejected California's proposal to mandate fuel efficiency standards to reduce greenhouse gases.

One year later, the incoming Obama administration granted the waiver, and the federal government later adopted California's rules as a national standard. Although the U.S. auto industry had long objected to the standards, it reluctantly agreed to them as part of a bail-out deal with Obama.

On Friday, the EPA announced it was extending those efficiency standards to 2025, in line with California, but against industry objections. Auto executives have been lobbying Trump to roll back the standards, but on Tuesday, Pruitt signaled that, if confirmed, he would look into it.

"It merits review and I would review that," said Pruitt. He and GOP senators questioned the process of the EPA decision, with the agency releasing a decision just two weeks after public comments ended.

Don Anair, a clean vehicles specialist with the Union of Concerned Scientists in California, said that studies have shown the auto industry can meet the 2025 standards not just with electric cars, but with improvements to diesel- and-gas-powered vehicles.

Anair said he expects the auto industry to keep challenging the federal standards, but would be surprised if the Trump administration would try to overturn the existing 2025 waiver for California. "It would be difficult to change any existing waiver to California. But there could be a question going forward whether California could get another waiver," said Anair, a research and deputy director with the environmental group.

Gov. Jerry Brown has said he expects Trump to challenge many of California's efforts to reduce greenhouse gas emissions. California has hired former U.S. Attorney Gen. Eric Holder to assist with possible legal challenges to the new administration's policies.

Wednesday's hearing laid bare the partisan divide that accompanies deliberations over Pruitt and many of Trump's other nominees. Democrats pressed Pruitt on his industry ties, and how he'd handle conflicts created by his ongoing litigation against the EPA. Pruitt refused to commit to recusing himself on those decisions, saying he'd leave the decision to the EPA's ethics counsel.

Several Republicans gently led Pruitt into responses of how he'd handle "regulatory overreach" and "mission creep" within the EPA. Committee Chair John Barasso, R-Wyoming, repeatedly followed negative questioning of Pruitt by reading into evidence news articles and endorsements supportive of the attorney general.

Harris said she wouldn't decide on Pruitt's nomination until he finishes testifying, but said she has serious reservations. "What his record tells me is he willing to use his discretion and power in ways that will not help the people of

this country,” she said.

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